

REMARKS

This paper is presented in response to the Office Action. By this paper, claims 7 and 13 are canceled, claims 1, 4 and 14 are amended, and new claims 15-20 are added. Claims 1-6, 8-12 and 14-20 are now pending in view of the aforementioned cancellations and new claims.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims under 35 U.S.C. § 103

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

The Examiner has rejected claims 1-8 and 10-14 under 35 U.S.C. § 103(a) as being unpatentable over US 5,040,242 to Tsuchiya et al. ("*Tsuchiya*") in view of US 4,675,770 to Johansson ("*Johansson*"). The Examiner has also rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Tsuchiya* in view of *Johansson* and further in view of US 5,953,690 to Lemon et al. ("*Lemon*"). Applicant disagrees but submits that in light of the discussion set forth below, the rejection is moot and should be withdrawn.

By this paper, Applicant has amended independent claim 1 to recite in part "...a main controller positioned within the transceiver housing and electrically coupled to said optical transmitter, said optical receiver and said power controller IC." Support for this amendment to claim 1 can be found, for example, at least at Figure 2a, and corresponding discussion, of the specification. In contrast, the Examiner has not established that the references, when combined in the purportedly obvious fashion, teach or suggest the aforementioned limitation in combination with the other limitations of claim 1.

In light of the foregoing, Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness with respect to claim 1, at least because the Examiner has not established that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of claim 1. Applicant thus submits that the rejection of claim 1 should be withdrawn.

By virtue of their dependence from claim 1, claims 2-14 each require all the limitations of claim 1. As noted above however, the Examiner has not established that the references, when combined in the allegedly obvious fashion, teach or suggest all the limitations of claim 1. Nor has the Examiner shown that *Lemon* is adequate to remedy such deficiency. Applicant thus respectfully submits that the rejection of claims 2-14 should likewise be withdrawn.

III. Examiner Affidavit

In connection with the foregoing, Applicant notes that it appears that the Examiner is relying on personal knowledge as a basis for rejecting claims 1-3 and 12. Particularly, the Examiner has made the following allegations:

"...it is well understood in the electronic and communications arts that optical and electrical elements may be encased in some type of housing..." (claim 1);

"...various types of voltage regulators are known in the art. It would have been obvious to ... use either a low drop-out voltage regulator or a boost or buck regulator as the voltage regulator in the system described by Tsuchiya et al. in view of Johnson..." (claims 2 and 3); and

"...[Tsuchiya] do not specifically disclose that the driver is a laser driver for a laser, but various types of light emitting elements are well known in the art, including lasers... (claim 12),

but the Examiner has not identified any references or other materials as being obvious to combine with the purported teachings of *Tsuchiya* and/or *Johansson*. In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicant hereby respectfully requests an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claims 1-3 and 12 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claims 1-3 and 12. Finally, please note that this request for an affidavit pursuant to 37 C.F.R. 1.104(d)(2) remains in force throughout the prosecution of this case unless expressly withdrawn by the Applicant.

IV. New Claims 15-20

By this paper, Applicant has added new dependent claim 15. Support for new dependent claim 15 can be found in the application at Figure 2a and the corresponding discussion. Inasmuch as claim 15 depends from claim 1, claim 15 is believed to be in allowable condition for at least the reasons set forth herein.

Applicant has also added new independent claim 16 and corresponding dependent claims 17-20. Support for these new claims can be found in the application at Figure 2a and the corresponding discussion. New claims 16-20 are believed to be in allowable condition.

V. Revocation and Substitute Power of Attorney

Applicant has submitted herewith a duly executed Revocation and Substitute Power of Attorney with respect to this case and respectfully requests entry of the same.

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-6, 8-12 and 14-20 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 3rd day of April, 2007.

Respectfully submitted,

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